

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

BEVERLY PERRY,

Plaintiff, : Case No. 3:05-cv-223

-vs-

Chief Magistrate Judge Michael R. Merz

MONTGOMERY COUNTY ALCOHOL,  
DRUG ADDICTION, AND MENTAL  
HEALTH SERVICES BOARD, et al.,

Defendants.

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**DISMISSAL ORDER**

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This case is before the Court on Plaintiff's "Voluntary Dismissal Without Prejudice" (Doc. No. 11), purportedly pursuant to Fed. R. Civ. P. 41(a)(1). Under Federal Rule 41, as contrasted with the cognate Ohio rule, a plaintiff cannot dismiss without prejudice after defendants answer unless the defendants consent or the court orders dismissal. However, upon inquiry from the Court, Defendants' counsel has indicated that the Defendants do consent.

Accordingly, it is hereby ORDERED that the above-captioned action be dismissed without prejudice. The Clerk shall enter judgment accordingly.

July 14, 2006.

s/ Michael R. Merz  
Chief United States Magistrate Judge